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8 Attorneys for Plaintiff and Intervenor, National Credit Union Administration Board  
9 As Liquidating Agent For Western Corporate Federal Credit Union

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 NATIONAL CREDIT UNION  
13 ADMINISTRATION BOARD AS  
14 LIQUIDATING AGENT FOR  
15 WESTERN CORPORATE FEDERAL  
CREDIT UNION,

16 Plaintiff,  
v.

17 ROBERT A. SIRAVO, TODD M. LANE,  
18 ROBERT J. BURRELL, THOMAS E.  
SWEDBERG, TIMOTHY T. SIDLEY,  
ROBERT H. HARVEY, JR., WILLIAM  
CHENEY, GORDON DAMES, JAMES  
P. JORDAN, TIMOTHY KRAMER,  
ROBIN J. LENTZ, JOHN M. MERLO,  
WARREN NAKAMURA, BRIAN  
OSBERG, DAVID RHAMY and  
SHARON UPDIKE,

23 Defendants.

24 Case No.: CV10-01597 GW (MANx)

25 **JOINT STIPULATION RE  
AMENDMENT OF SECOND  
AMENDED COMPLAINT TO  
ELIMINATE SEVENTH AND  
EIGHTH CLAIMS FOR RELIEF  
AND RELATED ALLEGATIONS**

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1           WHEREAS plaintiff the National Credit Union Administration Board as  
2 Liquidator for Western Corporate Federal Credit Union (“NCUA”) filed a Second  
3 Amended Complaint [Docket 116] in this action on February 22, 2011;

4           WHEREAS, the Second Amended Complaint includes the Seventh Claim for  
5 Relief for Breach of Fiduciary Duty against Defendant Robert A. Siravo and the  
6 Eighth Claim for Relief for Unjust Enrichment against Defendant Todd M. Lane;

7           WHEREAS, the NCUA has decided that it will not pursue its Seventh and  
8 Eighth Claims for Relief and therefore wishes to amend the Second Amended  
9 Complaint to eliminate those claims; and

10          WHEREAS, the defendants are amenable to such dismissal

11          IT IS HEREBY STIPULATED by and between the NCUA and all defendants  
12 through their respective counsel that:

13           (1) the Second Amended Complaint may be amended to  
14 eliminate the Seventh and Eighth Claims for Relief and the related  
15 allegations by striking (a) the sentence at page 9, line 27 through page  
16 10, line 1, (b) paragraphs 179-182 (*i.e.*, the text at page 40, line 22  
17 through page 41, line 15), and (c) the Seventh and Eighth Claims for  
18 Relief (*i.e.*, the text at page 56, line 1 through page 57, line 11); and

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(2) such amendment shall be without prejudice to the right of any party to seek to recover fees or costs or to oppose recovery of fees or costs.

DATED: November 15, 2011      LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
MICHAEL H. BIERMAN  
MICHAEL E. PAPPAS  
JEFFREY D. WEXLER

By: /s/ Michael H. Bierman  
Michael H. Bierman  
Attorneys for Plaintiff National Credit Union  
Administration Board As Liquidating Agent  
For Western Corporate Federal Credit Union

DATED: November 15, 2011 PILLSBURY WINTHROP SHAW PITTMAN LLP  
REYNOLD L. SIEMENS  
BRUCE A. ERICSON  
MARLEY DEGNER

By: /s/ Bruce A. Ericson  
Bruce A. Ericson  
Attorneys for Defendant Robert John Burrell

By: /s/ Seth E. Freilich  
Seth E. Freilich  
Attorneys for Defendant Timothy Sidley

1 DATED: November 15, 2011 MUNGER TOLLES & OLSON LLP  
2 RICHARD E. DROOYAN  
3 LAURA SMOLOWE

4

5 By: /s/ Richard E. Drooyan  
6 Richard E. Drooyan  
7 Attorneys for Defendants Robert Siravo and  
8 Thomas Swedberg

9

10 DATED: November 15, 2011 CHAPIN FITZGERALD & SULLIVAN LLP  
11 KENNETH M. FITZGERALD  
12 CURTIS CARLL

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14 By: /s/ Kenneth M. Fitzgerald  
15 Kenneth M. Fitzgerald  
16 Attorneys for Defendant Todd Lane

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